



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-अ

वर्ष २, अंक ८०]

शुक्रवार, ऑगस्ट २६, २०१६/भाद्रपद ४, शके १९३८

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असाधारण क्रमांक १२३

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने केंद्रीय अधिनियमान्वये तयार केलेले

(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

HOME DEPARTMENT

2nd Floor, Main Building, Madam Cama Marg, Mantralaya
Mumbai 400 032, dated 26th August 2016

NOTIFICATION

PRISONS ACT, 1894.

No. MIS. 1316/C.R. 669/16/PRS-3.— In exercise of the powers conferred by clauses (5) and (28) of section 59 of the Prisons Act, 1894 (IX of 1894) in its application to the State of Maharashtra and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules further to amend the Maharashtra Prisons (Mumbai Furlough and Parole) Rules, 1959 (hereinafter referred to as “the Principal Rules”), as follows namely :—

1. These Rules may be called the Maharashtra Prisons (Mumbai Furlough and Parole) (Amendment) Rules, 2016.

2. These Rules shall come into force from the date of their publication in the *Official Gazette*.

3. In Rule 4 of the Principal Rules,—

(a) for the words “ The following categories of prisoners shall not be considered for release on furlough” the words, “All Indian prisoners except from following categories whose annual conduct reports are good shall be eligible for furlough” shall be substituted.

(b) after sub-rule (10), the following sub-rules shall be added namely,—

“ (11) Whose appeal in conviction in Higher Court or any other cases filed against them either by Central Government or any of the State Governments in any of the Courts are pending and for which bail is not granted to him/ her by the related Courts ;

(12) Who doesn't have sound mental health as per his medical report unless the psychiatrist recommends his release ;

(13) Who is sentenced for offences such as dacoity, terrorist crimes, mutiny against state, kidnapping for ransom, smuggling of narcotic or psychotropic substances, rape or rape with murder ;

(14) Who is sentenced for life imprisonment till death ;

(15) Who is involved in serious prison crime such as assault, outbreak of riot, mutiny or escape, instigating violation of prison discipline ;

(16) Who in the opinion of police/ prison authorities are likely to jump furlough ;

(17) Whose immediate presence in society may be dangerous and may disturb public peace ;

(18) Those involved in sexual offences against minor and human trafficking. ”.

4. In Rule 11 of the Principal Rules, for the words and figures “with fine which may extend to Rs. 1,000 or with both” the words and figures “with fine which may extend to Rs. 20,000 or with both” shall be substituted.

5. For the Rule 19 of the Principal Rule, following rules shall be substituted, namely :—

“19. When a prisoner may be released on parole—

(1) *Emergency Parole.*—(A) All convicted prisoners may be eligible for emergency parole for following reasons—

(a) Death of parental grandfather or grandmother/father/ mother/ spouse/ son/ daughter/ brother/ sister ;

(b) Serious illness of father/ mother/ spouse/ son/ daughter ;

(c) Marriage of son/ daughter/ brother/ sister.

(B) (a) Emergency Parole may be granted for the maximum period of seven days at a time on confirmation of emergency situation.

(b) No extension can be granted to emergency parole.

(2) *Regular Parole.*—All prisoners eligible for furlough shall be eligible for regular parole.

(A) In case of Regular Parole—

(a) When average sentence of prisoner is not exceeding 5 years,—

(i) Prisoner may be considered for first release on regular parole after completion of one year of imprisonment counted from the date of admission to prison under convicted crime ;

(ii) Prisoner shall be eligible for subsequent release on regular parole after completion of six months of actual imprisonment to be counted from his last return either from furlough or regular parole ;

(iii) Prisoner shall be eligible for maximum of 45 days of parole in a year which can be extended up 60 days once in three years only under exceptional circumstances.

(B) When average sentence of prisoner exceeds 5 years but not more than 14 years,—

(i) Prisoner may be considered for first release on regular parole after completion of two years of imprisonment counted from the date of admission to prison under convicted crime ;

(ii) Prisoner shall be eligible for next release on regular parole after completion of one year of actual imprisonment and subsequent releases then onwards after completion of six months of actual imprisonment to be counted from his last return every time either from furlough or regular parole ;

(iii) Prisoner shall be eligible for maximum of 45 days of parole in a year which can be extended up 60 days, once in a period of three years only under exceptional circumstances.

(C) When prisoner is sentenced to life or whose average sentence exceeds 14 years,—

(i) Prisoner may be considered for first release on regular parole after completion of three years of imprisonment counted from the date of admission to prison under convicted crime ;

(ii) Prisoner shall be eligible for next release on regular parole after completion of one year of actual imprisonment and subsequent releases then onwards after completion of six months of actual imprisonment to be counted from his last return every time either from furlough or regular parole ;

(iii) Prisoner shall be eligible for maximum of 45 days of parole in a year which can be extended up 60 days once in three years only under exceptional circumstances.

6. For the Rule 20 of the Principal Rule, following rule shall be substituted, namely :—

“ Parole is not an incentive and thus shall not be counted towards the remission of the sentence. ”

7. In Rule- 24A- After the words “ as may be specified by the competent authority ” following portion shall be inserted, namely :—

“ and also upon the prisoner making a refundable deposit of adequate amount (not less than Rs. 15,000) and execute a surety bond, with atleast two sureties from following categories, namely :—

(i) Central or State Government employee ;

(ii) Elected Local representative ;

(iii) Family members having good antecedents ; or

(iv) Friends and relatives having good antecedents.

The amount of deposit shall be forfeited if the prisoner jumps parole.”

By order and in the name of the Governor of Maharashtra,

J. L. PAWARA,
Deputy Secretary to Government.